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5 Attorney for Defendant
6 Armando Chavez-Chavez

7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 SAN JOSE DIVISION
10

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 vs.
14 ARMANDO CHAVEZ-CHAVEZ,
15 Defendant.

Case No.: CR-11-00285-1 EJD

16)
17) **STIPULATION AND [PROPOSED] ORDER**
18) **TO CONTINUE SENTENCING HEARING**
19) **AND EXCLUSION OF TIME UNDER THE**
20) **SPEEDY TRIAL ACT [18 U.S.C. §3161]**
21)

22 The parties by and through their counsel of record, hereby stipulate to the following: The
23 parties have jointly agreed that the current sentencing hearing date of Monday, July 2, 2012 by
24 continued to Monday, August 27, 2012 at 1:30 p.m. The reason for this continuance is attorney
25 Irvin Simons from our office has been assigned to prepare the objections to the presentence
26 report. Mr. Simons was hospitalized recently and was subsequently readmitted. He is currently
27 awaiting surgery set for June 27, 2012 and we expect he will require one week thereafter for
28 recovery. Therefore, our office will not have the objections to the presentence report filed by the
deadline and will require a continuance of the hearing date to allow time for Mr. Simons to
complete the objections to the presentence report. Our office has contacted Karen Mar, U.S.
Probation Officer and she has no objections to the continuance. In addition, our office
contacted Meredith Edward, Assistant United States Attorney and she has no objections to the
continuance.

1 For the factual reason above, the parties agree that the time between July 2, 2012 and
2 August 27, 2012 shall be excludable from the Speedy Trial Act requirements of Title 18, United
3 States Code, Sections 3161 (h)(7)(A) and 3161(h)(7)(B)(iv).

4 The parties agree that the time is excludable in that the ends of justice served by
5 granting the continuance of the status conference to August 27, 2012 outweigh the best
6 interests of the public and the defendant in a speedy trial. The parties agree that a continuance
7 of the status conference to August 27, 2012 is necessary to ensure both effective case
8 preparation and the availability of defense counsel, and denial of such a continuance would
9 unreasonably deny defendant effective case preparation and continuity of counsel pursuant to
10 18 U.S.C. §§3161(h)(7)(A) and 3161(h)(7)(B)(iv).

11
12 Date: June 19, 2012

13
14 /s/Robert W. Lyons
15 Robert W. Lyons
16 Attorney for Armando Chavez-Chavez

17 Date: June 19, 2012

18 /s/Meredith Edward
19 Meredith Edward
20 Assistant United States Attorney

21 **IT IS SO ORDERED.**

22 Date: 6/20/2012

23 
24 Honorable Edward J. Davila
25 United States District Judge
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